

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ORLANDO, FLORIDA**

LOCAL RULES OF PROCEDURE

General Statement

- A. These Rules are adopted for the purpose of facilitating the convenient and orderly conduct of the business of the Immigration Court, Orlando, Florida.
- B. All matters scheduled for hearing before an Immigration Judge of the Immigration Court, Orlando, Florida shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at the scheduled time.
- C. These Rules are meant to supplement regulations of the Attorney General set forth in Chapter 8 of the Code of Federal Regulations. These Rules are not to be applied inconsistently with any immigration law or regulation.
- D. The procedures set forth herein shall not diminish the Immigration Judge's discretion to order a different deadline or procedure to be followed in a specific case or to waive a requirement or deadline.
- E. Failure to comply with these procedures may result in the submission or issue in question being found or ruled conceded, denied, evidentiary weight diminished, rejected, and/or waived against the party failing to comply.

RULE 1. Filing Procedure

All documents filed with the Orlando Immigration Court shall fully comply with the procedures set forth below. Failure to fully comply with these procedures may result in the rejection of documents in the discretion of the Immigration Judge.

- A. All documents and applications shall be filed at the public window of the Immigration Court, Orlando, Florida during regular business hours as posted in the Orlando Immigration Court or as otherwise required or ordered by an Immigration Judge.
- B. In addition to complying with 8 C.F.R. §§ 1003.31 and 1003.32, all documents and applications submitted by counsel (which hereinafter includes non-attorney representatives) for consideration by

an Immigration Judge shall be two-hole punched at the top of the page with holes two-and-three-quarter inches apart. All exhibits and documents in support of a motion or claim submitted by counsel shall be paginated and have as a first page a table of contents with page number identification. Exhibit tabs with letter designations shall be utilized by counsel when five or more documents are involved. When background documents of more than five pages are submitted, counsel shall highlight or otherwise direct attention in writing to the portions which specifically pertain to the respondent/applicant.

C. All documents which are filed with the Court shall comply with the following requirements:

1. Size and format. Filings shall be on 8-1/2 by 11-inch paper of good quality and be plainly typewritten, printed, or prepared by a clearly legible duplication process in a font size no smaller than ten (10) characters per inch, or if proportionately spaced font is used, no less than twelve (12) point. Filings shall be stapled or otherwise securely fastened but shall not be permanently bound.

2. Identification of counsel and filing. All filings shall contain a caption identifying the court, the name of the alien(s) and alien's registration number(s), the type of proceedings, a description of the filing and the party on whose behalf it is filed, and the counsel's name, address, telephone number, and bar number, if applicable.

D. In addition to complying with 8 C.F.R. §§ 1003.31 and 1003.32, all proposed exhibits and briefs must be filed with the Court no later than ten (10) calendar days prior to the scheduled hearing, unless otherwise authorized by the Immigration Judge, or where good cause is shown.

E. Furthermore, counsel shall name all proposed witnesses, except rebuttal witnesses, he or she intends to call and provide a brief summary as to each witness's testimony. All proposed witness lists, along with the summary of testimony, must be filed with the Court no later than ten (10) calendar days prior to the scheduled hearing, unless otherwise modified by the Immigration Judge, or where good cause is shown. Failure to fully comply with this procedure may result in the exclusion of witness testimony, in the discretion of the Immigration Judge.

RULE 2. Continuances of Hearings

Parties seeking a continuance of any scheduled hearing before an Immigration Judge shall file a written motion for continuance no less than fourteen (14) calendar days prior to the scheduled hearing.

The motion shall include the date and time of the scheduled hearing, the respondent's/applicant's name and alien registration number, the name of the Immigration Judge before whom the matter is set, the reason(s) that the continuance is requested, and a request for a date or dates certain for the

continued hearing. Failure to comply with any of these requirements may result in denial of the motion or the motion may be returned as improperly filed. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the scheduled hearing and be prepared to proceed. Motions for continuances filed within the fourteen-day period prior to the hearing will be considered only in the event of a bona fide emergency.

RULE 3. Motions and Procedures

The filing of all motions shall comply with the requirements of 8 C.F.R. § 1003.23(a). In addition, except for Procedure 4D, a party must serve the opposing party with a copy of such motion at least fourteen (14) calendar days in advance of the scheduled hearing date. Motions for extensions of time and continuances shall include a representation by the moving party that said party has made a good faith effort to contact the opposing party and shall state whether there is any objection to the motion. Any response to a motion shall be filed within ten (10) calendar days from the date of service of the motion.

RULE 4. Withdrawal/Substitution of Counsel

A. Withdrawal of counsel shall be requested orally or in writing to the Immigration Judge to whom the matter is assigned, and shall set forth the following:

1. The reason(s) for the request to withdraw;
2. Evidence of the respondent's consent to withdraw, or a statement of why such consent is unobtainable;
3. The current or last known address of the respondent;
4. A statement as to whether or not the respondent was advised of any currently scheduled hearings and, if not, the efforts made to contact and notify the respondent; and
5. A statement that the respondent was served with a copy of the motion to withdraw.

B. Counsel who has submitted Form EOIR-28, Notice of Entry of Appearance of Attorney or Representative, shall be considered by the Immigration Judge as counsel of record for all purposes, unless and until the Immigration Judge issues an appropriate order, either in writing or orally on the record, granting counsel's motion to withdraw or to substitute counsel.

C. Substitution of counsel shall be requested by written motion addressed to the Immigration Judge

to whom the matter is assigned, accompanied by a Form EOIR-28, Notice of Entry of Appearance of Attorney or Representative, completed by the attorney or representative to be substituted.

D. Motions to withdraw/substitute counsel shall be made at least twenty (20) calendar days prior to the scheduled hearing. If made after that time, such motions will be denied, absent a bona fide emergency.

RULE 5. Certification of Advisements

All motions for withdrawal/substitution shall include a certification by counsel that the required language relating to failure to appear, and the potential consequences therefore, has been explained by counsel to the respondent in a language that is understood by the respondent.

RULE 6. Pre-Trial Memoranda, Depositions and Subpoenas

A. Pursuant to 8 C.F.R. §§ 1003.21 and 1003.31, at the Immigration Judge's discretion, parties may be required to provide a pre-trial memorandum. It is the policy of the Court to encourage stipulations as to law and fact, whenever possible, provided that the Immigration Judge reserves the discretion to make further inquiry into any areas that are the subject of stipulation.

B. Depositions and subpoenas are authorized by 8 C.F.R. §§ 1003.35 and 287.4. The taking of depositions is encouraged by the Court to assist when a declarant is unavailable due to distance, expense, prior professional commitments, or other good cause. Requests for taking of depositions, where appropriate, shall be approved when properly and timely requested and documented if a witness is not reasonably available at the place of hearing and that said witness' testimony or other evidence is essential. To ensure fundamental fairness, the Court may order a declarant to provide testimony at a time and place specified, provided that a movant makes such a request and agrees to tender fees to declarant for one day's attendance and mileage allowed by law. When a subpoena is issued upon the Immigration Judge's own volition, fees and mileage need not be tendered to the declarant.

RULE 7. Pre-Trial Conference

Pursuant to 8 C.F.R. §§ 1003.21, at the Immigration Judge's discretion, parties may be required to attend a pre-trial conference.

RULE 8. Rules of Conduct

All parties are expected to exercise due diligence and candor with the Court and opposing party at all times. Engaging in knowing misrepresentation will be considered a ground for immediate referral for disciplinary action under the Rules and Procedures of Professional Conduct for Practitioners. Reference is taken to state bar rules and canons, and ABA rules and canons for guidance of practitioners before the Court. Personal conduct and professional standards shall be required and monitored.

RULE 9. Standing Orders

All parties shall dress appropriately and with decorum. Shorts, tank tops, and T-shirts are not appropriate.

Parties are expected to be cognizant of their schedules to ensure the prompt calendaring of cases.

Due to space limitations and the need for orderly proceedings without noise and disturbances, any person, including a child, who is disruptive or noisy will be asked to leave the courtroom. The Court encourages other arrangements be made, when possible, for the care of young children, other than child respondents, when attending Court.

NOTICE

Pursuant to 8 C.F.R. § 1003.40, the attached Local Rules of Procedure for the Immigration Court in Orlando, Florida are approved and will be effective on October 1, 2006. These rules were posted in the Immigration Court in Orlando, Florida for public comment. No comments were received.

9-18-06

Date



David L. Neal

Acting Chief Immigration Judge